

MEMO ENDORSED

JENNER &amp; BLOCK

June 4, 2009

VIA FACSIMILE

Honorable Frank Maas  
U.S. Magistrate Judge  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007-1312

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**Re: Capitol Records, Inc. v. MP3tunes, LLC, No. 07 Civ. 9931 (WHP) (FM)**

Dear Judge Maas:

I am writing on behalf of all Plaintiffs in the above-referenced action to request a brief adjournment of the telephonic status conference which is scheduled to take place on June 9, 2009 at 10:00 a.m. The parties have scheduled a 30(b)6 examination of Defendant MP3tunes for June 10, 2009 in San Diego and I will be flying to California for that deposition at the time of the scheduled conference.

Accordingly, Plaintiffs respectfully request that the June 9 telephone status conference be rescheduled to sometime after the 30(b)(6) deposition of MP3tunes, at a time that is convenient to the Court. Defendant consents to this application. Pursuant to Your Honor's Individual Practices, we have contacted Your Honor's chambers and have been informed of the following alternative dates: June 15, 2009 at 11:00 a.m. and June 16, 2009 at 2:00 p.m. All parties are available for a telephone conference at either of these times.

We thank the Court for its consideration.

Respectfully submitted,

*Andrew H. Bart*  
Andrew H. Bart

*So ordered. USMS  
Maas 6/4/09*

AHB/cfh

cc: John Dellaportas, Esq. (by facsimile)  
Gregory Gulia, Esq. (by facsimile)  
Frank P. Scibilia, Esq. (by facsimile)  
M. Mona Simonian, Esq. (by facsimile)